REMARKS

Applicants thank the Examiner for his acknowledgement of their previous election of Species I and Claims 1-4, and the withdrawal from further consideration of Claims 5-10.

Claim 1 has been amended and a new Claim 11 has been added to the application. Thus, Claims 1-4 and 11 now remain in the application. Reexamination and reconsideration of the application, as amended, are hereby respectfully requested.

Claim 1 merely has been amended for clarity, to more particularly and distinctly point out that the relative movement that is prevented is movement of the spacer disk relative to the bushing assembly. Basis for this limitation appears throughout the specification and drawings, for example, including at page 12, lines 20-23, and in FIG. 2C.

The Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Japan Publication (JP. 11210794). Enclosed for the Examiner's convenience and consideration is a translation of the '794 Japan publication recently obtained by Applicants. The Examiner argues that the '794 publication discloses the inventive improvement, namely, "means for substantially preventing relative movement of at least one spacer disk (outer surface of rubber ring 6) disposed between the bushing assembly (5) and the frame hanger (2), whereby excessive wear to the spacer disk from the relative movement generally is prevented." The Examiner goes on to state that the means for substantially preventing relative movement is an integral spacer apparatus (6) which includes the spacer disk (outer surface of rubber ring 6), which in turn is formed with a continuous groove (9) on its surface adjacent to the bushing assembly and the collar, so that the groove (9) and the collar (8) provide a complementary fit of the spacer apparatus on a mounting tube (4) for the bushing assembly.

Applicants respectfully disagree. It is important to note that spacer disks are not even involved in the teachings of this reference. Rather, specifically, a rubber ring 6 is fitted to the ends of outer tube 4 (see, for example, paragraph 0020), to enable adjustment of the spring constant of rubber elastic member 5 in the axial direction (see, for example, paragraph 0031). The outer surface of ring 6 also prevents noise that otherwise occurs due to "stick slip" contact between elastic body bushing 5 and vehicle bracket 2 (see, for example, paragraph 0031). This alleviation of the noisy stick-slip phenomenon is accomplished by compounding the rubber used to form ring 6 with a lubricant (see, for example, paragraph 0025).

Moreover, this publication teaches applications in the automotive industry (see, for example, paragraph 005), in addition to being totally unconcerned with excessive wear of spacer disks. Thus, if an attempt was made to use ring 6 in the heavy-duty applications of the present invention, with or without a spacer disk, it would disintegrate very quickly and would allow the outer edges of tube 4 to grind into bracket 2, possibly eventually resulting in an undesirable mechanical locking of the components, which is the very problem generally prevented by the present invention.

Even if a worker of ordinary skill in the heavy-duty vehicle industry had the '794 publication before him when considering the spacer disk excessive wear problem, it would not have rendered the present invention obvious, let alone anticipate it, because the '794 publication is not concerned with preventing movement of a spacer disk relative to a bushing assembly. Thus, it is clear that the outer surface of rubber ring 6 is not a spacer disk, nor could it be, but rather aids in changing the axial spring constant of elastic member 5, as well as alleviating the stick-slip phenomenon.

Although the present invention could be used in the automotive industry, the teachings of the '794 publication unequivocally could not be used in heavy-duty vehicles to solve the problem solved by applicants' invention, and fails to even hint at such a problem.

Finally, the Examiner mischaracterizes item (9) in the '794 publication, which as noted at least in paragraph 0029, is a hole for ring 6, and not a continuous groove of rubber ring 6.

Thus, nowhere does Japan '794 disclose or even suggest the use of means for substantially preventing relative movement of a spacer disk relative to a bushing assembly when that disk is disposed between the bushing assembly and a vehicle bracket, yet allowing movement between the spacer disk and the vehicle bracket without excessive wear to the spacer disk. Therefore, in light of the facts set forth above, it is believed that the rejection of Claims 1 and 2, as amended, is overcome since those claims are not anticipated, or even rendered obvious, by the '794 publication.

The Examiner rejected Claim 4 under 35 U.S.C. §103(a) as being unpatentable over Japan '794 in view of Figure 1 (Prior Art) of the present invention. Since Applicants believe that Claim 1 now is allowable over the prior art of record, then claims dependent therefrom, including Claim 4, also are believed to be allowable.

Applicants thank the Examiner for the allowance of Claim 3, and new Claim 11 is written to combine Claim 3 with Claim 1, and intervening Claim 2.

Applicants respectfully point out that in the Office Action Summary, it appears that the Examiner mistakenly noted that Claim 2 also was allowed, despite later rejecting Claim 2 under 35 U.S.C. §102(b) on page 2 of the Detailed Action. Applicants therefore have responded to the Office Action under the assumption that Claim 2 indeed was rejected.

Applicants were the first to find a way to solve the problem of excessive wear to spacer disks often resulting in mechanical locking of the bushing assembly with frame hanger sidewalls. The results produced by Applicants' invention have been long sought after by those skilled in the art, but until Applicants' invention, have been unobtainable.

In view of the above amendments and remarks, it is submitted that the claims now are in condition for allowance, and reconsideration of the rejections is hereby respectfully requested and allowance of Claims 1-4 and 11 at an early date is hereby earnestly solicited.

Respectfully submitted,

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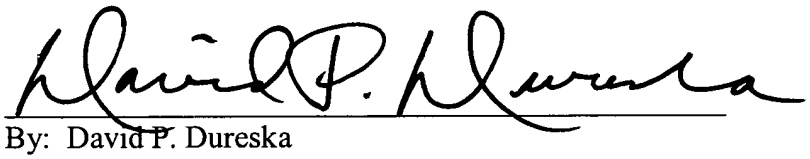

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